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RECEIVED
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Rosita Clarke
U.S. EPA Region 5
SR-6J
77 W. Jackson Blvd.
Chicago, IL 60604

SUPERFUND DIVISION
OFFICE OF THE DIRECTOR

EPA Region 5 Records Ctr.



367051

Dear Rosita:

Please be advised that I represent the Southeast Environmental Task Force, the Calumet Ecological Park Association, the Center For Neighborhood Technology, the South Deering Empowerment Association, Father Alfredo Gundrum, Father Tom Franzman, Robert Granger, Karen Soberaj, the South Chicago Chamber of Commerce and the Southeast Chicago Development Commission.

As you know, these groups and individuals filed a Petition pursuant to Section 9605(d) of Title 42 of the United States Code on June 19, 2000. The Petition triggered U.S. EPA's delegated responsibilities under Section 9605(d) to conduct a preliminary assessment of the suspected release of hazardous substances into the sediments of the North and South Vessel Slips of the former United States Steel South Works site and the sediments of the Wisconsin/North and Semet-Solvay/South Vessel Slips of the former Wisconsin Steel site.

I am writing to request an update from you on the status of your efforts to fulfill the further requirements imposed by Section 9605(d). Specifically, upon completion of the preliminary assessment, U.S. EPA is obligated to "promptly evaluate such release...in accordance with the hazard ranking system...to determine the national priority of such release." Further, in releasing the results of its preliminary assessment, U.S. EPA committed to a course of conduct including notification of responsible parties and inter-governmental coordination with the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. On behalf of the Petitioners, I am also requesting an update on these promised activities.

I am requesting your prompt attention to this matter for two reasons. First, from the filing of their initial Petition to the present, Petitioners have requested U.S. EPA to conduct its activities in an open manner that facilitates local community understanding and involvement. Over a year has passed since the Petitioners received any written report on U.S. EPA's activities. Second, in light of the contamination in the slips, the Petitioners urge U.S. EPA to fulfill its responsibilities under 9605(d) and its commitments to Petitioners as quickly as possible.

Key Findings In The U.S. EPA Reports

I. Wisconsin Steel

In response to our Petition, U.S. EPA worked with Illinois EPA to collect twenty-three sediment samples from the Wisconsin Steel slips as well as nearby and downstream portions of the Calumet River. The contaminant levels in these sediments were then compared to a background sample from an upstream area in the Calumet River that was not affected by Wisconsin Steel's operations.

When compared to the background sample, sediment samples from the north slip and, especially, the south slip reveal the presence of semi-volatile, pesticide and inorganic contamination. In the north slip, the highest levels of contaminants are located in the upper two feet of sediments. In the south slip, contaminants are found to depths of nine feet. In total, U.S. EPA estimates there are approximately 10,000 cubic yards of contaminated material in the north slip and 32,500 cubic yards of contaminated material in the south slip. According to U.S. EPA, the nature of this contamination can be attributed to industrial activities of the property surrounding the slips.

Testing of sediments in adjacent and downstream portions of the Calumet River indicate that contaminated material originating from the slips is migrating. Contaminants in river sediments increase as the river flows southerly past the former Wisconsin Steel Works, and were found in sediments as far south of the WSW site as U.S. EPA sampled.

II. U.S. Steel South Works

In response to our Petition, U.S. EPA worked with Illinois EPA to collect thirty-six sediment samples from the USX slips as well as nearby portions of Lake Michigan and the Calumet River. The contaminant levels in these sediments were then compared to background samples in the Calumet River and the Calumet Harbor that were not affected by USX operations.

When compared to the background samples, the sediment samples from the slips reveal the presence of significantly elevated inorganic contamination. The term significantly elevated means the contaminant levels are greater than three times the background levels. The key contaminants are lead, copper, arsenic, cadmium, chromium, nickel, vanadium and zinc. Many of these contaminants are also found in sediment samples from adjacent portions of the Calumet River and Lake Michigan. Many contaminants are found in both shallow and deep layers of the sediments.

According to U.S. EPA, the data collected during this sampling event indicate that contaminants have migrated from the slips into the Calumet Harbor and Calumet River. This process will continue as long as each vessel slip remains open to the Calumet River and Lake Michigan.

Next Steps

Under the law we invoked in our Petition, U.S. EPA's next obligation is to "promptly evaluate such release...in accordance with the hazard ranking system...to determine the national priority of such release." This evaluation will indicate how the threats posed by contaminants originating in the slips compare to the threats posed by contaminated sites across the country. If the contamination in either set of slips is given a high ranking, this should trigger federal attention and, if necessary, money to address the source of the contamination.

In the meantime, U.S. EPA committed to identifying responsible parties and consulting with the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. U.S. EPA also promised to meet with representatives of the Petitioners to discuss the reports and next steps. Ideally, responsible parties, U.S. EPA, IEPA, the U.S. Army Corps of Engineers and members of the public will work together to identify and implement strategies to address these contaminants.

Please contact me if you have any questions or comments regarding this matter. I look forward to your response in the immediate future.

Sincerely,

A handwritten signature in cursive script that reads "Keith Harley". The signature is fluid and stylized, with the first and last names clearly legible.

Keith Harley
Attorney at Law